

ORDINANCE NO. 2014-15

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, AMENDING THE CITY CODE CHAPTER 8.15 (NUISANCES), BY ADDING PROVISIONS RELATED TO DECEPTIVE ADVERTISING; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PARTS OF ORDINANCES OR CODE PROVISIONS IN CONFLICT HEREWITH.

WHEREAS, the following are findings of the Sedona City Council:

- As noted in the Community Plan, “Economic development has been largely shaped and defined by tourism. Sedona is a national and international travel destination.”
- In 2012, the Nichols Tourism Group prepared a market research study for the Sedona Lodging Council and identified that the tourism industry employed 8,900 jobs and tourism spending contributed approximately \$439 million to the local economy.
- The Community Plan further notes that, “Sedona’s long-term sustainability as a community and visitor-based economy depends largely on its ability to remain an attractive, welcoming, accessible and affordable place for generations.”
- Negative experiences by tourists in the form of becoming victims of deceptive advertising and misrepresentations by sales persons and solicitors are evidenced by numerous written complaints received by the Sedona Chamber of Commerce and which were included as a part of the record before the City Council. In addition to these written complaints, numerous other complaints can be found on internet and social media sites. These complaints all provide compelling evidence that tourists and visitors are frequently deceived by signs that depict sales solicitation outlets as “tourism bureaus” “tourist information centers,” and “motion picture museums.” Tourists and visitors are also often misled during personal encounters with sales representatives.
- Photographs taken of signs at sales solicitation offices and presented as part of the record before the City Council clearly demonstrate that these signs are intentionally designed to give the impression that the facility they are promoting is an official government or non-profit sponsored information center. Disclosures on existing signs of sponsorship by private companies are inadequate to overcome this impression.
- Because the current disclosure requirements for commercially sponsored tourist information centers that engage in sales solicitation activity has proven to be inadequate in insuring that persons are not misled or deceived as to the nature of such establishments, it is the finding of this City Council that further disclosure requirements are required in order to eliminate the negative impacts to tourism that

result from tourists and visitors being deceived by existing signs. To this end, it is the intention of the Sedona City Council to incorporate further disclosure requirements and regulations concerning solicitor conduct in order to curtail incidents of misrepresentation and deception.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA AS FOLLOWS:

Section 1. Amendment to Section 8.15 of the Sedona City Code

That document made a public record by Resolution No. 2014-31, and entitled, "2014 Amendments to City Code Chapter 8.15," is hereby incorporated by reference as though fully set forth herein, and the provisions set forth therein are adopted into the Sedona City Code.

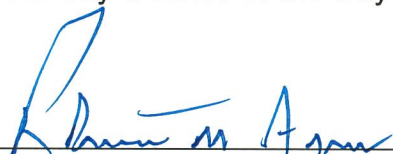
Section 2. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section 3. Repeal

All other code provisions, ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict as of the effective date hereof.

PASSED AND ADOPTED by the Mayor and City Council of the City of Sedona, Arizona, this 13th day of November, 2014.


Robert M. Adams, Mayor

ATTEST:


Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:


Mike Goimarac, City Attorney